

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

BANK OF THE OZARKS, AS
SUCCESSOR BY MERGER TO
COMMUNITY & SOUTHERN BANK,

Plaintiff,

V.

STEINER BROTHER PROPERTIES
LLC, BLUE HOSPITALITY, LLC,
SCOTT C. RECHSTEINER AND
CHRISTA M. RECHSTEINER,

Defendants.

CIVIL ACTION FILE
NO. 4:18-cv-00101-HLM

AFFIDAVIT OF JOHN A. THOMSON, JR.

COMES NOW, John A. Thomson, Jr., who, after first being duly sworn under oath, deposes and states that the following statements are true and correct:

1. I am over eighteen (18) years of age and am of sound mind and body, and make this Affidavit on my personal knowledge and my review of the files of Adams and Reese LLP in connection with this matter.

2. I am Special Counsel with the law firm of Adams and Reese LLP, and have been licensed to practice law in the State of Georgia since 1986. I represent Plaintiff Bank OZK, formerly known as Bank of the Ozarks, as successor by

merger to Community & Southern Bank ("Plaintiff") in the above-captioned action.

3. Adams and Reese LLP has submitted the following invoices to Bank OZK for payment since the inception of this litigation:

<u>Bill Date</u>	<u>Amount Billed</u>
December 2017	\$2,927.50
January 2018	\$2,340.50
February 2018	\$1,722.50
March 2018	\$130.00
April 2018	\$1,030.00
May 2018	\$1,990.00
June 2018	\$2,491.40
July 2018	\$3,722.50
August 2018	\$3,100.70
September 2018	\$2,507.50
October 2018	\$2,015.00
November 2018	\$3,820.00
December 2018	\$4,555.77
January 2019	\$2,047.50

Each of these bills were attached, in redacted form, to the "Notice of Filing Affidavit in Support of Request for Recovery of Attorneys' Fees" [Doc. No. 49] (the "Atkins Fee Affidavit"). These bills total \$34,400.87.

4. The following bill has been submitted to Bank OZK for payment, but as of the date of this Affidavit remains unpaid.

<u>Bill Date</u>	<u>Amount Billed</u>
February 2019	\$3,640.00

A true and correct copy of the February 2019 bill that Adams and Reese presented to Bank OZK is attached hereto as Composite Exhibit "A". This bill has been redacted to prevent the disclosure of communications or work product that are protected by the attorney-client privilege or the privilege for attorney work product.

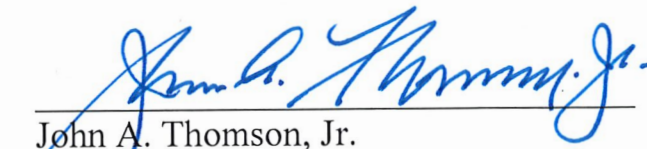
5. Finally, there is \$2,217.50 of outstanding time and expenses incurred in connection with the above-captioned litigation during the month of February, 2019 that has not yet been billed to Bank OZK.

6. All time and expenses that this Firm had incurred on behalf of Bank OZK in connection with the above-captioned litigation through December 31, 2018, totaling \$34,400.87, were previously included in the Atkins Fee Affidavit. The fees and expenses referenced in Paragraphs 4 and 5 of this Affidavit, which this Firm has incurred during January and February, 2019 are in addition to, and supplement, the fees and expenses detailed in the Atkins Fee Affidavit.

7. As of the date of this Affidavit, the total amount of fees and expenses that this Firm has incurred on behalf of Bank OZK in connection with the above-captioned action is \$40,258.37.

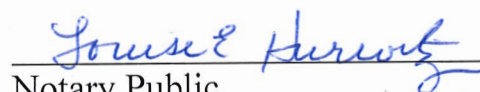
FURTHER AFFIANT SAYETH NOT.

This 6th day of March, 2019.



John A. Thomson, Jr.

Sworn to and subscribed before me
this 6th day of March, 2019.



Notary Public
My Commission Expires: 1/29/21

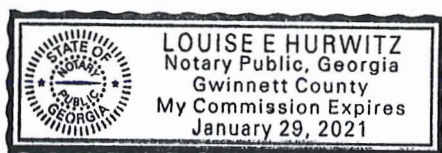


Exhibit “A”



Attorneys at Law
Federal ID No.
72-0424362

February 12, 2019

Invoice Number: 1025547

Bank OZK
Attn: Mike Atkins
3102 North Oak Street Extension
Valdosta, Georgia 31602

File Number: 026707-000058
Steiner Brothers Properties, LLC

Statement

For Professional Services Rendered in connection with the handling of the captioned matter, including the following:

01/09/19 J. Thomson	0.80	Receive and preliminary review of Steiner Bros. response to Motion for Summary Judgment
01/14/19 R. Bingham	0.20	Email [REDACTED] re: case status, Defendants' Motion, Order Denying
01/17/19 J. Thomson	1.70	Preliminary review of Defendants' Response to Motion for Summary Judgment and Statement of Disputed Facts; Begin preparation of response to same; Review Georgia case law concerning [REDACTED] attorneys fees under the relevant statute
01/22/19 J. Thomson	2.40	Review pleadings filed by Defendants in opposition to Motion for Summary Judgment; Review Georgia Statutes on recovery of attorneys fees; Begin drafting responsive pleadings in support of summary judgment
01/23/19 J. Thomson	2.80	Review Georgia case law on determination of reasonableness of attorneys fees; proof and edit; Reply to response to Motion for Summary Judgment
01/23/19 R. Bingham	0.90	Work on Bank's Reply to Defendants' Response to Bank's Motion for Summary Judgment; [REDACTED]

SEND PAYMENT:

By Check	By ACH	By Domestic Wire	By Foreign Wire
Adams and Reese LLP Dept. 5208 P.O. Box 2153 Birmingham, AL 35287	Payee: Adams and Reese LLP Bank: Regions Bank Routing No.: 065403626 Account No.: 0200602817	Payee: Adams and Reese LLP Bank: Regions Bank ABA No.: 062005690 Account No.: 0200602817	Payee: Adams and Reese LLP Bank: Regions Bank SWIFT Code: UPNBUS44 Account No.: 0200602817

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026707-000058

Page 2 of 2

01/24/19 R. Bingham	0.70	Review/analyze Court's Order on Motion for Summary Judgment; Identify options for proceeding; [REDACTED] [REDACTED]
01/25/19 J. Thomson	0.80	Receive and review Order granting motion for summary judgment; Begin preparation of client affidavit on attorneys fees
01/28/19 R. Bingham	0.40	Telephone conference with Mike Atkins [REDACTED] [REDACTED]; Work on options re: § 13-1-11 attorneys fees
01/31/19 R. Bingham	0.50	Work on Affidavit of Michael Atkins re: attorneys' fees per Court's Order

TOTAL HOURS	11.20
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Timekeeper Fee Summary

	Hours	Billed	
Timekeeper	Billed	Per Hour	Bill Amount
J. Thomson	8.50	\$325.00	\$2,762.50
R. Bingham	2.70	\$325.00	\$877.50
Totals	11.20		\$3,640.00

CURRENT FEES	\$3,640.00
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TOTAL DUE THIS STATEMENT	<u>\$3,640.00</u>
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